

S. F. Z. asks the Utah Labor Commission to review Administrative Law Judge Lima's decision regarding Ms. Z.'s claim for benefits under the Utah Occupational Disease Act ("the Act"; Title 34A, Chapter 3, Utah Code Ann.).

The Labor Commission exercises jurisdiction over this motion for review pursuant to Utah Code Ann. §63-46b-12 and Utah Code Ann. §34A-2-801(3).

BACKGROUND AND ISSUE PRESENTED

On January 14, 2003, Ms. Z. filed an application for hearing with the Commission to compel Select Comfort Corporation and its workers compensation insurance carrier, Royal Indemnity Company (referred to jointly as "Select" hereafter), to pay benefits under the Utah Workers' Compensation Act for bilateral carpal tunnel syndrome that Ms. Z. alleged was caused by her work for Select. Select filed an answer to Ms. Z.'s claim and requested that the claim be adjudicated under the Utah Occupational Disease Act.

Judge Hann conducted an evidentiary hearing on Ms. Z.'s claim on September 18, 2003. Thereafter, Judge Hann ruled that the claim was properly adjudicated as an occupational disease claim. Judge Hann also referred the medical aspects of the claim to an impartial medical panel. Thereafter, Judge Lima replaced Judge Hann as the presiding officer in this matter.

On May 6, 2004, the medical panel submitted its report concluding that Ms. Z.'s carpal tunnel syndrome was not caused or aggravated by her employment by Select. On December 7, 2004, Judge Lima adopted the medical panel's report and ruled that Ms. Z. was not entitled to benefits for her carpal tunnel syndrome. However, also in accord with another part of the medical panel's opinion, Judge Lima awarded benefits to Ms. Z. for a condition the panel diagnosed as "regional arm syndrome."

On January 6, 2005, Ms. Z. filed a motion for Commission review of Judge Lima's decision. Specifically, Ms. Z. contends that a medical causal connection does exist between her work at Select and her carpal tunnel syndrome.

FINDINGS OF FACT

The Commission adopts Judge Lima's findings of fact. As material to the issue raised by Ms. Z.'s motion for review, the Commission concurs with Judge Lima's determination that the medical evidence fails to establish a medical causal connection between Ms. Z.'s work at Select and her carpal tunnel syndrome.

DISCUSSION AND CONCLUSION OF LAW

The Utah Occupational Disease Act provides medical and disability benefits to employees who are disabled from occupational diseases. The Act defines "occupational disease" as "any disease or illness that arises out of and in the course of employment and is medically caused or

aggravated by that employment.” The question in dispute here is whether Ms. Z.’s work at Select medically caused or aggravated her carpal tunnel syndrome.

As noted above, the Commission agrees with Judge Lima’s finding of fact that the work at Select did not medically cause or aggravate her carpal tunnel syndrome. On that basis, the Commission concurs with Judge Lima’s conclusion that Ms. Z.’s carpal tunnel syndrome is not compensable under the Occupational Disease Act.

ORDER

The Commission affirms Judge Lima’s decision and denies Ms. Z.’s motion for review. It is so ordered.

Dated this 21st day of July, 2005.

R. Lee Ellertson, Commissioner